

satisfied, a court lacks power to assert personal jurisdiction over a defendant. Gorman v. Ameritrade Holding Corp., 293 F.3d 506, 514 (D.C.Cir.2002). Inasmuch as the sufficiency of process and service of process concern the court's jurisdiction, consideration of materials outside the pleadings, such as affidavits, is appropriate. Dimet Proprietary, Limited v. Industrial Metal Protectives, 109 F.Supp. 472 (D. Del. 1952). In responding to this motion, plaintiff may submit written arguments and any evidence he may have which he believes indicates that these defendants were properly served. This is not a time for arguments concerning facts of the case, only arguments and evidence that concern how plaintiff served these defendants with summonses and complaints and how such service satisfies the service requirements of Rule 4, Federal Rules of Civil Procedure.

Finally, plaintiff is advised that he has until April 20, 2009, to file his response with the Clerk of this court, that such response must be served on all the other parties, and that he must include a certificate of service indicating the manner in which he served such parties.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff respond to defendants Automatic Data Processing, Inc.'s and Lynn Demshock's Motion to Dismiss (#6) not later than April 20, 2009.

Signed: April 6, 2009

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

